



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.4	Subject: EMPLOYEE SELECTION GUIDELINES
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 17 and Attachments
Section 3: Human Resources Bureau	Effective Date: Feb. 29, 1996
Signature: /s/ Mike Ferriter, Director	Revision Dates: 01/05/98; 01/07/99; 07/03/02; 03/19/03; 07/26/06

I. POLICY

The Department of Corrections will establish and maintain nondiscriminatory policies for employee selection to ensure the employment of the best available applicants.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. REFERENCES

- A. 2-15-112, 2-18-1201, 19-3-1015; *Montana Code Annotated*
- B. 3-0155, 3-0165, 3-0171, 3-0172, 3-0505, 3-0605, 3-0610,; *Montana Operations Manual*
- C. 4-4053, -4054, -4057, -4058, -4061, -4064; *ACA Standards for Adult Correctional Institutions, 4th Edition; 3-JTS-1C-07 through 3-JTS-1C-11; 3-JTS-1C-15; 3-JTS-1C-18; ACA Standards for Juvenile Correctional Facilities, 2003*
- D. *DOC Policy 1.3.10; Reduction in Force*

IV. DEFINITIONS

Employment Standard – Any job related physical, intellectual, character, educational, or other characteristic used to measure an applicant's suitability for a job opening.

Essential Function – The fundamental job duties of the employment position without which the job would be of a substantially different nature. (See H.1.e below)

Hiring Authority – A staff member designated by a superintendent, warden, or division administrator to assume responsibility for overseeing the hiring, promoting, and/or transfer of Department employees.

Internal Posting – An advertisement of a job opening to all employees of the Department of Corrections inclusive of all divisions and all facilities.

Job Related – Criteria shown by a job analysis to be directly related to a specific activity/task or activities/tasks in a job or to be directly related to a qualification necessary to perform a specific activity/task or activities/tasks in a job.

Reasonable Accommodation – In accordance with section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990, any modification or adjustment to a job application process, a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy equal benefits and privileges of employment.

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Short Term Worker – A person who:

- a. is hired by an agency for an hourly wage established by the agency;
- b. may not work for the agency for more than 90 days in a continuous 12-month period;
- c. is not eligible for a permanent status;
- d. may not be hired into another position by the agency without a competitive selection process; and
- e. is not eligible to earn the leave and holiday benefits or the group insurance benefits.

Temporary Employee – An employee who:

- a. is designated as temporary by an agency for a definite period of time not to exceed twelve months;
- b. performs temporary duties or permanent duties on a temporary basis;
- c. is not eligible for permanent status;
- d. is terminated at the end of the employment period; and
- e. is not eligible to become a permanent employee without a competitive selection process.

V. DEPARTMENT DIRECTIVES

A. Equal Employment Opportunity/Affirmative Action

1. The Department will provide equal employment opportunity to all persons regardless of race, color, religion, creed, sex, national origin, age, mental or physical disability, marital status, sexual preference, or political belief.
2. The Department will take affirmative action to equalize employment opportunities at all levels of agency operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity.
3. The Department is committed to providing reasonable accommodations for any known disability that may interfere with an applicant's ability to compete in the selection process, or an employee's ability to perform the duties of the job, except where no reasonable accommodation is available which would enable the individual to accomplish the essential duties of the position or where the only effective accommodation(s) would create an undue hardship on the Department.
4. The Department guarantees employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the initiation of an external administrative or legal proceeding, or testifying or otherwise participating in any of the above.
5. The Department, and each facility and program, will designate an EEO officer responsible for assisting division and facility administrators in the implementation of the Department's affirmative action program. The Department EEO officer will be responsible for including each facility and program plan in a single Department affirmative action plan. The Department will adhere to policy statements and guidelines established in the *Montana Operations Manual (MOM)*, policy number 3-0605, *EEO/Affirmative Action* and policy number 3-0610, *American with Disabilities Act (ADA)*.

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B. Authority and Nepotism

1. Each division and facility administrator may delegate to selected supervisory personnel in their division, the authority to hire, promote, and transfer. These employees will be referred to in this policy as the "hiring authority." For the purposes of this policy, when a relative of a hiring authority or an employee of the Human Resources Bureau is being considered for employment, the hiring authority or the employee of the Human Resource Bureau will withdraw from all portions of the selection procedure.

C. Labor Contract Covered Positions

1. If a vacant position is covered by a labor contract containing a posting or bidding clause, the posting and selection process will be in compliance with the applicable contract and this policy.
2. Where this policy and the contract conflict, the contract will prevail.

D. Vacancy Announcements – Permanently Vacated, Temporary, or New Positions

1. Prior to posting new or vacant positions, the hiring authority should insure that there are no qualified applicants in the agency internal "RIF" pool who would be qualified and entitled to appointment to the position, in accordance with *MOM 3-0155, 2.21.5007 (7)* and *DOC Policy 1.3.10, Reduction in Force*. Internal recruitment is the preferred approach when an adequate pool of internal applicants is presumed to exist. Direct assignment (promotion) is allowable only when approved by the agency director. Limited competitive procedures may be utilized under a succession plan when such plan is reviewed and approved in advance by the Human Resources Bureau. In order to ensure fairness and equality in the selection process and to provide career advancement opportunities for Department employees, each new or vacated permanent position should be reviewed and considered for advertisement internally to the Department before being posted externally to the general public.

The following are methods for posting vacancies:

a. Bargaining Union Position

- 1) bargaining unit positions must be posted in compliance with the terms of the respective contract.

b. Internal Department Posting

- 1) prior to posting and recruiting for applicants externally, positions may be posted internally within the Department. Internal posting must be for a minimum of five working days. In this time, hiring authorities are responsible for being sure that any employee who may be absent during this time receive adequate notification of the vacancy posting. Hiring authorities should consider whether a training assignment would be a workable possibility for the purpose of giving internal applicants an opportunity for career growth. Minimum qualifications and qualifications relating to the training assignment, if applicable, must be stated on the position vacancy announcement.

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- 2) the hiring authority must send a copy of any vacancy announcement to a member of the appropriate Human Resource office (e.g., central office, MSP, or PHYCF) who will then route it to all Department facilities and laid-off employees.

c. Simultaneous Internal and RIF Registry

- 1) the hiring authority has the option of posting internally to the Department and to the job registry simultaneously. In those circumstances, internal applicants and job registry participants must be treated as one applicant pool.

d. Selection Process

- 1) the hiring authority will review the applicant pool and determine whether there are an adequate number of qualified applicants. If so, they will proceed with the selection process and based upon pre-approved selection criteria results, they will determine whether to hire the most qualified applicant for the position from among that pool of applicants. If none of the applicants who meet the minimum qualifications are selected for hire, the hiring authority may choose to consider applicants who may be suitable for a training assignment and proceed with the selection process.
- 2) approved direct promotions, temporary promotions, acting appointments, short term employment, and temporary positions not exceeding twelve (12) months in length are not required to be posted.
- 3) a position need not be reposted if an applicant who was selected for a posted position resigns within 90 (ninety) days from the starting date of hire. In such instances, the hiring authority may return to the documents of the original selection process and may offer the position to the next highest available applicant on the selection list.

E. Reduction in Force Registry Option

1. The Department of Administration, State Personnel Division, maintains a job registry under the *State Employee Protection Act, 2-18-1201, MCA*, that may be consulted prior to temporary or permanent positions being advertised to the general public. The procedures are incorporated into *MOM policy 3-0155, Reduction in Work Force*, and *DOC Policy 1.3.10, Reduction in Force*. A job registry participant may be hired if, through agency selection procedures, the hiring authority determines that the participant is qualified.

F. Vacancy Announcement Restrictions

1. An advertisement for a permanent vacant position may not commence until the position has a current job description and is included within the current inventory of classified positions for the Department with an assigned band. The Department director, or designee, must approve all variations from this requirement for emergency situations. Vacant positions that are subsequently reclassified will be kept vacant until the reclassification process has been completed and the new position is in the inventory. A member of the Human Resource team will review postings to ensure that the hiring

authority's description of the job responsibilities on the job posting match the Department's formal job description for the position.

G. Employment Requisition Form

1. The process for filling vacated positions will begin with the completion of an Employment Requisition Form, Attachment C, prepared by the supervisor who has a position vacancy. The Employment Requisition Form must be completed prior to the posting of any position. The Human Resources Bureau will post the position and the basic recruitment information, using information on the form.

H. Job Profile and Vacancy Announcement Review

1. Prior to posting, the hiring authority (in conjunction with a Human Resource team member) will be responsible for reviewing the job profile and the most recent vacancy announcement, to determine if they are appropriate. Job profiles will be written in compliance with the guidelines established by the Department of Administration. The job profile will list major and essential duties. The criteria for determining if a duty is major or an essential function of the job is as follows:
 - a. failure to perform this duty may have serious consequences;
 - b. the performance of this duty is one of the reasons that the job exists;
 - c. there are limited numbers of employees available among whom the performance of the duty can be distributed;
 - d. the employees in the position actually are required to perform the duty; and
 - e. if the duty were removed, it would fundamentally change the job.

I. Developing Minimum Standards

1. Hiring authorities should carefully consider the level of minimum standards for a job in that such standards often act as artificial barriers to employment for potentially competent candidates. Candidates who meet minimum qualifications but are not viable candidates based upon other parts of the selection process can be screened out at other stages of the procedure. The hiring authority within the Department will consider the following factors prior to establishing standards for employment:
 - a. High School Diploma or Equivalency
 - 1) diploma requirements must be relevant to the job and must not be specified unless it can be demonstrated that the requirements are necessary in order to perform the job. Factors that should be examined before requiring a high school diploma:
 - a) is there a serious health or safety consequence if a person without this level of education is hired?
 - b) does objective job-related documentation exist which supports the need for this level of education?
 - c) are there other ways an applicant may demonstrate competence outside of completing the requirements for a high school diploma or equivalency?

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- 1) college degrees must be relevant to the job and must not be specified unless it can be demonstrated that the degree is necessary in order to perform the job. The Equal Employment Opportunity Commission (EEOC) has ruled that degree requirements are an employment test and has, in some instances, found them to be discriminatory. Factors that should be examined before requiring a college degree:
 - a) does the job require knowledge of esoteric, technical, conceptual, or professional subject matter?
 - b) does the job require professional judgment?
 - c) is the degree a prerequisite to a licensure requirement?
 - d) is it difficult to make a reliable assessment of an applicant's absolute qualifications, and if so, does the degree requirement provide an adequate substitute mechanism?
 - e) are there serious health or safety consequences if a person without a degree is hired?

c. Experience Requirements

- 1) the hiring authority will be allowed to set experience requirements, both for new and promotional positions, in accordance with the job profile, but experience requirements may not be used to discriminate against minority applicants. Experience requirements can be discriminatory. In determining whether experience is necessary for the position, the following factors should be considered:
 - a) is the recent or extensive experience a critical measure of competence?
 - b) is the experience requirement commensurate with the complexity of the job?
 - c) is the experience job related and consistent with business necessity?

d. Physical Requirement

- 1) a facility or program may set defensible physical standards that can be justified as Bonafide Occupational Qualifications (BFOQ's). This means such standards must be reasonable, job related, and consistent with business necessity. Special caution must be taken to insure that such standards do not unnecessarily screen out disproportionate numbers of women or minorities.

e. Age Requirements

- 1) age discrimination is prohibited except as outlined in the Child Labor Provisions of the Fair Labor Standards Act. Facilities and programs will specify age requirements only when there is a related bona fide occupational qualification approved by a member of the Human Resource team.

J. Bona Fide Occupational Qualification (BFOQ)

1. The Human Resources Bureau, in consultation with Department Legal staff, will prepare

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a document that describes the rationale for a Bona Fide Occupational Qualification in the instance where a facility can document overriding evidence that a discriminatory practice is truly essential to the safe and efficient operation of a facility.

K. Vacancy Announcements

1. All vacancy announcements must conform to a specified format and must be designed or reviewed by a qualified member of the Human Resource team.

L. Application Supplements

1. An application supplement provides formal guidelines that the applicant must use to describe the knowledge, skills, abilities, and/or competencies acquired through training and/or prior experience. Application supplements must adhere to the following:
 - a. supplemental questions will relate to the essential functions listed on the job description, and the minimum qualifications inclusive of behavioral competencies;
 - b. if an applicant's written communication skill, as well as the content of their responses to the questions is to be evaluated, the applicant must be so informed on the posting;
 - c. model answers must be developed before the applications are reviewed;
 - d. questions and answers will be developed by the hiring authority and reviewed by a human resource team member, or a designee, who is familiar with the duties of the position and EEO standards; and
 - e. if requested by the applicant with a disability, a reasonable accommodation must be provided which will enable him/her to complete an application supplement.

M. External Recruitment

1. The vacancy announcement for each permanent position will be sent to the appropriate Human Resource office and the local Job Service, on a timely basis.
2. When a facility or program fills a permanent position on a temporary basis, vacancy announcements may be sent to the Human Resources Bureau for agency distribution at the hiring authority's discretion. However, persons assigned to a permanent position on a temporary basis cannot be permanently assigned to the position without undergoing a competitive selection process.
3. Positions which are to be filled by participants for on-the-job training, work experience, or other programs conducted under federally authorized employment or training programs are not required to be posted. This does not include positions that are funded under federal grants, which must be posted in accordance with this policy.
4. External vacancy announcements will be posted for a period of no less than seven (7) calendar days. Closing dates will not be extended without reposting the position. Closing dates are established based upon the approximate time the hiring authority and the human resource team member believes the recruitment effort will require.

N. Applicant Selection Systems

1. There are a variety of acceptable methods of selecting applicants for vacated positions.

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With any method that includes an interview process, a structured format for interviewing must be followed. Hiring authorities should confer with a member of the human resource team in the design of such methods to insure that they are fair and equitable. All tools and scoring systems used in the selection process must be designed in advance and must be reviewed and approved by a member of the human resource team prior to implementation.

O. Initial Position Screening

1. The purpose of the initial screening process is to establish fair, uniform, and consistent pre-employment screening procedures that can be applied at all Department locations. The responsibility for initial screening is the hiring authority, Human Resource team member, a screening committee, or a combination of all of the above. The Human Resource Bureau staff will be directly involved in the initial screening process and will review and approve the procedures to insure that Equal Employment Opportunity and other requirements are followed. The initial position screening must encompass at least the following factors:
 - a. screening factors must be developed based upon information obtained from the job profile and the vacancy announcement;
 - b. persons familiar with the position must develop screening factors;
 - c. screening factors must be developed in advance of any review of applicant qualifications;
 - d. the procedure must be applied consistently to all applicants screened for a given position, and the persons involved in the position screening will also remain consistent; and
 - e. the hiring authority must be prepared to document a job related reason for each applicant that is eliminated from further consideration in the process.

P. Testing

1. Ability tests may be utilized in the selection process provided that the administration of the test, or actions taken based upon test results, are not used to discriminate based on race, color, religion, sex, national origin, disability, or sexual preference. Any tests used must measure specific skills that are essential to the performance of the job. If a hiring authority utilizes testing, the following standards must be observed unless one or more can reasonably be adjusted as a part of a reasonable accommodation for an applicant with a disability:
 - a. identical instructions, preferably in writing, must be given to each applicant;
 - b. the amount of time given to each applicant to complete the test must be identical;
 - c. testing facilities must be the same for all applicants in relationship to lighting, space, temperature, noise level, and interruptions or distractions;
 - d. availability of tests, answer sheets, test scores, and scoring keys is restricted to authorized and trained personnel;
 - e. tests and scores for all applicants must be retained with the selection material for each position;
 - f. test questions must be fair, reasonable, and specifically related to the job description

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and requirements of the position;

- g. tests should be used as supplemental information in the selection process unless the applicant fails to meet a predetermined qualifying score at which time the applicant may be eliminated from further consideration;
- h. upon request from a disabled applicant, reasonable accommodations for testing will be made; and
- i. tests will be administered and evaluated in good faith and without discrimination.

Q. Performance Appraisal

- 1. The hiring authority may review the latest performance evaluation of internal applicants and use the information as supplemental information in the selection process. If an internal applicant has a performance evaluation that contains a performance standard that is unacceptable, the applicant may be excluded from consideration. Normally, only the latest job evaluation is considered.

R. ADA Pre and Post Employment Inquiries

- 1. The American with Disabilities Act (ADA) prohibits any pre-employment inquiries about a disability to assure that qualified candidates are not screened out because of their disability before their actual ability to do a job is evaluated. The prohibition on pre-employment inquiries about disability does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess qualifications and assure health and safety on the job. The ADA requires that such inquiries be made in two separate stages of the hiring process.
 - a. Before making a job offer, an employer:
 - 1) may ask questions about an applicant's ability to perform essential job functions;
 - 2) may make a job offer that is conditioned on satisfactory results of a post-offer medical examination based on the ability to perform the essential functions of the position; and
 - 3) may not make an inquiry about a disability, medical examination, or inquire about Workers Compensation claims.
 - b. After making a conditional job offer and before an individual starts work, an employer:
 - 1) may conduct a medical examination or ask health-related questions, providing that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries;
 - 2) must collect all information obtained from post-offer medical examinations. This information must be maintained on separate forms, in separate medical files, and treated as a confidential medical record; and
 - 3) may discuss with an applicant with an obvious disability the need for and/or availability of a reasonable accommodation that would allow the applicant to successfully accomplish the essential duties of the position in question.

S. Structured Interviews

1. All applicants who have not been eliminated by a screening process will be given a structured interview. The purpose of the structured interview is to provide a consistent job-related guide for the interviewer to follow in determining an applicant's qualifications for a particular position. The hiring authority or selection committee may ask applicants any job-related questions as long as they do not solicit information upon which it would be inappropriate to make hiring decisions and/or restrict the employment opportunities of protected groups.
2. The following procedures must be followed in designing interview processes:
 - a. persons familiar with the position must develop interview questions;
 - b. interview questions must be developed in advance of any review of applicant qualifications. The exception to this rule is specific questions designed to clarify information given on the application form or supplement;
 - c. interview questions must have written criteria against which an applicant's response can be evaluated;
 - d. identical interview questions must be asked of each applicant, in the same sequence, by the same hiring authority or selection committee. The exception to this rule is when questions are asked of a specific applicant to clarify information on the application form or supplement. In the event an individual member of the selection committee is unable to complete the entire round of interviews, his/her scores must not be considered for any of the applicants for that position;
 - e. interview questions and responses must be documented;
 - f. selection committees should be as balanced as possible in relationship to gender;
 - g. human resource staff will periodically review standards and interviews to ensure that they are not disproportionately weeding out minority or female applicants;
 - h. upon request by a disabled applicant, the hiring authority, with advice from human resource staff, will consider such request for reasonable accommodation during the structured interview; and
 - i. spouses or relatives of an applicant will not serve on interview committees or take part in the selection process;

T. Reasonable Accommodation Obligation

1. An employer must provide a reasonable accommodation to any known physical or mental limitations of a qualified applicant with a disability unless it can be shown that the accommodation would impose an undue hardship on the business.
2. Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy equal employment opportunity.
3. The obligation to provide a reasonable accommodation applies to all aspects of employment. This duty is ongoing and may arise any time that a person's disability or job changes.
4. An employer cannot deny an employment opportunity to a qualified applicant or employee because of the need to provide reasonable accommodation, unless it would

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- cause an undue hardship on the employer.
5. An employer does not have to make an accommodation for an applicant who is not otherwise qualified for a position.
 6. Generally, it is the obligation of an applicant with a disability to request a reasonable accommodation.
 7. A qualified applicant with a disability has the right to refuse an accommodation. However, if the applicant cannot perform the essential functions of the job without the accommodation, he/she may not be qualified for the job.
 8. If the cost of an accommodation would impose an undue hardship on the employer, the applicant with a disability should be given the option of providing the accommodation or paying that portion of the cost which would constitute an undue hardship.

U. Applicant Background Checks

1. All job offers will be conditioned on completion of a successful background check. The division administrator, warden, or superintendent must approve any variation from this procedure in writing in advance. Exceptions will be made only for positions with no direct contact with offenders, no job responsibility for use or routine handling of firearms or ammunition, and no security or fiduciary responsibilities. Applicants must be advised on the job posting or during the interview process that a background, criminal record, patient/offender abuse, and domestic violence conviction check will be completed. The following are examples of the different background checks that may need to be performed:
 - a. Criminal Background Check
 - 1) each applicant must complete Attachment A, Reference and Criminal Background Check Authorization Form, before a job offer has been made. The form will be sent to the Human Resource office at the Montana State Prison where an automated criminal record check will be conducted and a report provided to the hiring authority. The form may also be made available to a Department employee assigned to complete a background investigation;
 - 2) the Department may additionally require a fingerprint background check before the job offer is made. Individual facilities and programs may have procedures related to fingerprint background checks;
 - 3) federal law makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. This applies to all law enforcement and corrections positions that are required to carry, be issued, or be in possession of a firearm or ammunition. Such convictions disable the individual in the performance of their duties when those duties routinely or potentially require them to handle or carry a weapon or ammunition. If an applicant has applied for a position that requires the use or handling of a firearm or ammunition, the applicant must be disqualified if he or she has ever been convicted of a misdemeanor domestic violence charge, unless

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the charge has been expunged, set aside, or pardoned and unless the pardon, or expungement provides that the person may not ship, transport, possess, or receive firearms.

- 4) applicants convicted of crimes or misdemeanors other than traffic violations may be hired, but only after thorough review of all circumstances surrounding the arrest and conviction of the applicant. The final hiring decision in such cases must be made by the division or facility administrator, with the approval of the Department director, and will be based upon the type of offense, sentence, subsequent employment record, individual character and reference checks in relationship to the position being filled.

b. Breach of Security and Resident Abuse, Mistreatment, or Neglect Check

- 1) each applicant for a position in a secure facility, and/or which will involve direct contact with offenders, when interviewed, must be asked if they have ever been disciplined for a work policy violation regarding a breach of security or resident abuse, mistreatment, or neglect. If the answer is yes, then the applicant will be asked for details regarding the incident. The incident will be verified with past employers. Based upon the severity of the incident, a decision will be made by the facility or division administrator as to whether the applicant should be eliminated from consideration. In addition, the abuse register at the Department of Public Health and Human Services will be checked for the name of the applicant before a final hiring decision is made.

c. Experience Reference Checks

- 1) in the selection process prior to a job offer, each applicant's experience references will be checked in order to verify information and performance. The following procedures should be followed in checking experience references:
 - a) checking of applicants' references must be completed in a uniform manner, in accordance with Attachment B, Applicant Reference Check. Hiring authorities may add questions or use another format but a member of the Human Resource team must approve such modifications;
 - b) applicants may be disqualified on the basis of adverse recommendations; however, reasons for such disqualification must be job-related;
 - c) references may be checked in person, by telephone, or by mail. In most cases the preferred method of checking references is by telephone with the hiring authority speaking to the applicant's past supervisor;
 - d) information gathered from checking references should be treated as vital information and considered with other selection information; and
 - e) ADA pre-employment inquiry guidelines regarding asking about the existence, nature, or severity of a disability must also be followed when checking references.

d. Credential Check on Post Secondary Degree and High School Diploma

- 1) the educational credentials of applicants selected for hire when the hiring

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authority has specified a post secondary degree or high school diploma as a minimum qualification, may be validated upon request of the hiring authority. With respect to positions where professional licensure or certification requires a specific degree, or other educational credentials, such validation is required. The method utilized to accomplish validation may be a verification letter or a certified copy of the applicant's transcripts from the educational institution.

e. Credential Check of Required Licensure or Professional Certification.

- 1) if a job requires possession of a valid license or professional certificate, a certified copy of that document must be obtained prior to employment. Applicants who have recently graduated or moved from another state may be employed, but may not be assigned any regulated duties of the position until they produce the required document(s). Applicants may work in positions requiring licensure or a professional certificate with a temporary document, however, if they fail to obtain a permanent license or certificate within a reasonable time frame, as specified at their time of employment, their employment will be terminated.

V. Intentional Misrepresentation

1. When an applicant has made material misrepresentation(s) or omission(s) during the application process, the applicant may be excluded from further employment consideration for the position, or employment may be terminated at any time after appointment when such misrepresentation or omission comes to the employer's attention.

W. Preferences for Employment

1. The following preferences will be given in compliance with applicable policies, and in the priority listed:

a. Public Employees Disability Retirement

- 1) a recipient whose disability retirement allowance is cancelled, because the Public Employees Retirement System Board has determined that the recipient is no longer incapacitated, must be reinstated to the position held by the recipient immediately before the recipient's retirement, or to a position in a comparable pay and benefit category with duties within the recipient's capacity if the recipient had been an employee of the State or of the University system (19-3-1015, MCA).

b. Individual With a Disability Employment Preference

- 1) it is the policy of the Department to provide preference in employment to eligible persons with a disability, and certain spouses, when they are substantially equal in qualification to others applying for initial appointments to positions. Preference will be applied for external positions only or selection processes that include both internal and external applicants, and will be in compliance with the *MOM policy 3-0171*.

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c. Veterans Employment Preference

- 1) it is the policy of the Department to provide preference in employment to eligible disabled veterans, other veterans and certain relatives when using numerically scored selection procedures. Veterans preference will be applied for external positions only or selection processes that include both internal and external applicants, and will be in compliance with *MOM policy 3-0172*.

d. Affirmative Action Preference

- 1) the Department will provide an affirmative action preference over other applicants of equal qualifications, for positions identified in a corrective action plan as "under utilized". The affirmative action preference may be utilized for both internal and external position postings.

e. Reduction in Work Force Preferences

- 1) the Department will give a hiring preference to those employees of the State of Montana who have been, or will be, formally noticed of layoff over other applicants of equal qualifications, in compliance with the *MOM policy 3-0155*. Layoff preference will be applied for external position postings and then only for the employees outside of the Department. Applicable labor contracts, Department policy, and *MOM policy 3-0155* will govern preference for Department employees.

f. Workers Compensation Preference

- 1) when an injured worker is capable of returning to work within two years from the date of injury, and has received a medical release to return to work, the worker must be given a preference over other applicants for a position comparable at the time of injury, is vacant, and if the position is consistent with the worker's physical condition and vocational abilities.

g. Preference Priority

- 1) the following are preference priorities for external and internal positions after labor contract guidelines have been implemented:
 - a) PERS return from disability retirement;
 - b) Workers Compensation Preference (hire for comparable position before considering other applicants);
 - c) Veterans Preference (addition of five percentage points to scored selection procedures if applicant is a veteran, and ten percentage points if the applicant is a disabled veteran or an eligible relative of a disabled veteran);
 - d) Preference for individuals with a disability (used as a tiebreaker);
 - e) Reduction in Work Force (used as a tiebreaker); and
 - f) Affirmative Action (used as a tiebreaker).

X. Validation of Selection Procedure

1. To maintain Department compliance with the EEOC uniform selection guidelines, the Human Resources Bureau will monitor and approve all selection policies, procedures, and tools, including but not limited to written applications, written tests, interviews, screening devices, work samples, physical requirements, and performance evaluation. The Human Resource Bureau, in consultation with the division or facility administrator, will resolve conflicts regarding the use of questionable practices or materials. All decisions related to promotion, demotion, transfer, or termination will be made in compliance with the Department's Equal Opportunity in Employment policy statement.

Y. Job Offer

1. All persons selected for employment in a position within the Department will be provided with a written confirmation, documented in their personnel file, which includes the following information:
 - a. date of hire;
 - b. initial work schedule;
 - c. job title, pay plan, and base salary offered;
 - d. probationary period duration and end date when applicable;
 - e. training Assignment duration and end date when applicable;
 - f. type of employment, such as: permanent, part time, temporary, intermittent, or seasonal. If other than permanent, the duration of the position should be specified;
 - g. name of the immediate supervisor;
 - h. when necessary, information relating to: the transfer of leave credits, availability or conditions of pay exceptions, any agreements related to payment of moving expenses, or any other conditions of employment which are attached to this hiring. The letter must also contain a signature block for the applicant to acknowledge that they have read and agree with the conditions of employment as stated; and
 - i. notification to the effect that "this document does not constitute an employment contract and that conditions of employment are subject to change."

Z. Training Assignment

1. A training assignment may be approved by the division or facility administrator if the applicant pool does not contain any fully qualified applicants, recruitment efforts have been exhausted, or the best qualified applicant lacks some particular training or qualification that may be gained while on the job. Training assignments will be implemented in compliance with the Pay Plan Rules (*MOM 3-0505, Rule 1806*).

AA. Unsuccessful Applicant Notification Letters

1. Internal and external applicants will be notified via phone and/or in writing if they were not selected for a posted position. Unsuccessful applicants should not be characterized as rejected, but rather given the message that indicates another applicant met the desired qualifications more closely. Applicants claiming employment preference under the Montana Veteran's Employment Act and the Persons' With a Disability Employment Preference Act will be notified of the hiring decision in writing in accordance with

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MOM policies 3-0171 and 3-0172.

BB. Selection Documentation

1. A separate file will be established for each position posted. The following materials will be included for each selection process and retained for a period of two years from the date of hire for the position.
 - a. the job profile;
 - b. a copy of the vacancy announcement;
 - c. a copy of advertisements;
 - d. a list of all recruitment sources used;
 - e. all applications, application supplements, questionnaires, and other application material received;
 - f. a copy of all selection procedures and any criteria used to evaluate performance;
 - g. any written evaluations;
 - h. the names and titles of any persons who participated in the design or administration of the selection procedures;
 - i. records or other information necessary for applicant flow (unless those materials have been entered into the state human resource information system);
 - j. correspondence with applicants; and
 - k. a list of all applicants considered, with a notation of which applicant was selected.

CC. Confidentiality

1. All application and selection materials will be confidential and may not be voluntarily released to any person not involved in administering the hiring process. Such materials may only be released upon the receipt of a properly executed administrative or judicial order.

DD. Access to Selection Material

1. The hiring authority or personnel section should be prepared to discuss the selection procedures and criteria utilized with unsuccessful applicants upon request. Unsuccessful applicants may have access to their own scores and selection criteria specifics; however, these may not be provided if the facility anticipates reusing the materials. Unsuccessful candidates may not access information regarding scores or performance on selection tools and procedures that would potentially violate the privacy rights of other applicants.

VI. CLOSING

Questions concerning this policy should be directed to a member of the Human Resource team.

VII. ATTACHMENTS

Reference and Criminal Background Check Authorization Form	(Attachment A)
Applicant Reference Check	(Attachment B)
Employment Requisition Form	(Attachment C)

MONTANA DEPARTMENT OF CORRECTIONS
REFERENCE AND CRIMINAL BACKGROUND CHECK
AUTHORIZATION FORM

Applicant's Name: _____
(Please print or type)

Other Names Used: _____

Social Security Number: _____ Date of Birth _____

TO WHOM IT MAY CONCERN:

As an applicant for a position with the Department of Corrections, I am required to furnish information for use in determining my qualifications for the position for which I have applied as is evident through my past work record. I hereby expressly authorize the Department of Corrections to contact my present or past employers, co-workers, personal references or any other possible work references. I further expressly authorize those aforementioned past employers and/or references to respond to such work related inquiries and to provide any and all information that they may have concerning me, including information of a confidential or privileged nature. I further release those past employment sources from any liability, which may relate to the information provided to the Department in good faith.

I also authorize the Department to conduct a Criminal Records and Background Check via law enforcement agencies and/or an investigator, and an Abuse, Neglect, or Mistreatment Check through the Department of Public Health and Human Services. I understand that the purpose of this record and background check is for purposes related only to the hiring decision of the position for which I have applied.

Have you ever been convicted of Domestic Abuse, either Felony or Misdemeanor? If your answer is yes, please provide the date of the conviction and the jurisdiction in which the conviction occurred.

___No ___Yes Date _____ Jurisdiction _____

APPLICANT'S SIGNATURE

DATE

MONTANA DEPARTMENT OF CORRECTIONS
APPLICANT REFERENCE CHECK

Name of Applicant: _____

Name of Person giving Reference: _____

Title of Person giving Reference: _____ Date: _____

Please verify or indicate the following:

Date of Hire: _____ Termination Date: _____

Position(s) Held: _____

Reason for Leaving: _____

1. Was the employee ever counseled or disciplined for leave abuse or tardiness?

Comments: _____

2. How would you rate this person's communications and interpersonal relations skills with co-workers and the general public? If poor, can you cite an example of the type of problems with him/her in this area?

☐ Poor ☐ Fair ☐ Above Average ☐ Excellent

Comments: _____

3. How would you rate the applicant's ability to show initiative and work independently?

☐ Poor ☐ Fair ☐ Above Average ☐ Excellent

Comments: _____

4. How would you characterize this person's overall work performance while in your employ?

☐ Poor ☐ Fair ☐ Above Average ☐ Excellent

Comments: _____

5. Is this person eligible for rehire? ☐ YES ☐ NO

Comments: _____

6. To the best of your knowledge has this applicant ever been disciplined for inmate abuse or assault? ☐ YES
☐ NO

Comments: _____

7. Is there any other information regarding this applicant's work performance you would like to add?

Comments: _____

Name of Person securing reference: _____

MONTANA DEPARTMENT OF CORRECTIONS

EMPLOYMENT REQUISITION FORM

Date:	Position #:	Title:	
Last Incumbent:			Bargain Unit: Yes <input type="checkbox"/> No <input type="checkbox"/>
Full-Time: <input type="checkbox"/>	Part-Time: <input type="checkbox"/>	3/4-Time: <input type="checkbox"/>	Internship: <input type="checkbox"/>
Permanent: <input type="checkbox"/>	Temporary: <input type="checkbox"/>	Short-Term: <input type="checkbox"/>	Other: (intern, job-share) <input type="checkbox"/>
Current Job Profile:		Yes <input type="checkbox"/> No <input type="checkbox"/>	Under Revision: <input type="checkbox"/>
Attach an updated job profile in order for HR to continue with the recruitment			
Internal Only: <input type="checkbox"/>	External Only: <input type="checkbox"/>	Internal/External: <input type="checkbox"/>	
Advertisement		(please list)	
Newspapers		Which days?	
Other			
Job Service, RIF Registry, and Minority Career Centers are notified automatically			

Justification for Recruitment:	
Centralized Services Administrator:	Date:
Immediate Supervisor: (only when required)	Date:
Hiring Authority:	Date: